

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TOMMY JOE CRABB,

PLAINTIFF,

VS.

CIVIL ACTION NO. 1:04CV138-P-D

**ITAWAMBA COUNTY, MISSISSIPPI
and JOHN MARVIN SMITH,**

DEFENDANTS.

ORDER

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

- (1) Defendants' Motion for Summary Judgment [33-1] is **GRANTED IN PART AND DENIED IN PART**; specifically,
- (2) The motion is granted as to the plaintiff's § 1983 First Amendment retaliation claim against John Marvin Smith in his individual capacity; thus,
- (3) The plaintiff's § 1983 First Amendment retaliation claim against John Marvin Smith is **DISMISSED WITH PREJUDICE**;
- (4) As to the plaintiff's remaining claims, the motion is **DENIED**.

SO ORDERED this the 11th day of October, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE